

055.

USDC SDNY
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DOC #: _____
DATE FILED: 4/10/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DB STRUCTURED PRODUCTS, INC.,

ECF Case

Plaintiff,

-against-

LENDER LTD.,

Civ. No. 07 CV 4119 (DLC)

Defendant/Third-Party Plaintiff,

-against-

CML DIRECT, INC. d/b/a CREATIVE
MORTGAGE LENDING,

STIPULATION AND ORDER

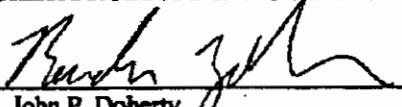
Third-Party Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that the above captioned litigation is hereby dismissed without prejudice as to the claims by Plaintiff against Defendant Lender Ltd., and is dismissed without prejudice as to the claims by Third Party Plaintiff Lender Ltd. against Third Party Defendant CML Direct, Inc. All parties shall bear their own attorneys' fees, costs and disbursements associated with this action.

THACHER PROFFITT & WOOD LLP

KAUFMAN & KAHN, LLP

By:



John P. Doherty
Brendan E. Zahner
Attorneys for Plaintiff

Two World Financial Center
New York, New York 10281
(212) 912-7400

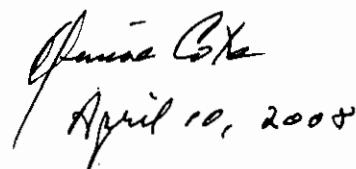
By:



Mark Kaufman
Attorneys for Defendant/Third Party
Plaintiff Lender LTD

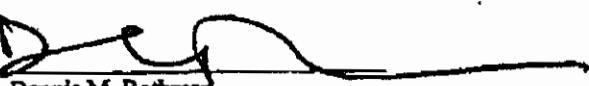
747 Third Avenue, 32nd Floor
New York, New York 10017
(646) 943-6113

The Clerk of Court shall close
the case.


Anna G. Sha
April 10, 2008

LESTER SCHWAB KATZ & DWYER, LLP

By:



Dennis M. Rothman
Attorneys for Third-Party Defendants
CML Direct, Inc.

120 Broadway
New York, New York 10271
(212) 341-4343

SO ORDERED:

The Honorable Denise L. Cote, U.S.D.J.